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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/723,639                       | 11/26/2003  | Aaron Kennison       | HON-15048           | 8728             |
| 27504                            | 7590        | 07/14/2005           |                     | EXAMINER         |
| RANKIN, HILL, PORTER & CLARK LLP |             |                      |                     | SHAKERI, HADI    |
| 4080 ERIE STREET                 |             |                      |                     |                  |
| WILLOUGHBY, OH 44094-7836        |             |                      | ART UNIT            | PAPER NUMBER     |
|                                  |             |                      |                     | 3723             |

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                          |                  |
|------------------------------|--------------------------|------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)     |
|                              | 10/723,639               | KENNISON, AARON  |
|                              | Examiner<br>Hadi Shakeri | Art Unit<br>3723 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8 is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 November 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                           |                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                      | Paper No(s)/Mail Date. ____.                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>112603</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                           | 6) <input type="checkbox"/> Other: ____.                                    |

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**DETAILED ACTION**

1. Claims 1-7 are objected to because of the following informalities: Regarding claims 1 and 5, the language in the line before the last, i.e., "prevents further tightening" is improper since if the work is misaligned the jig prevents tightening and not further tightening. Appropriate correction is required.
2. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Further limiting the workpiece, not part of the claimed subject matter, fails to further limit the tool being claimed.

***Claim Rejections - 35 USC § 102***

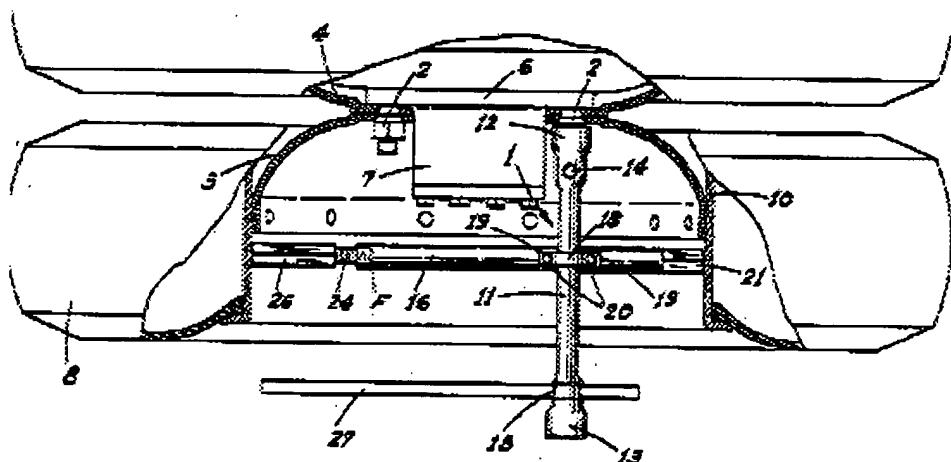
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrington (2,761,340).

Harrington discloses all of the limitations of claim 1, i.e., A torque reaction control jig that is adapted to transfer reaction torque from a drive member (27)



to a support member (workpiece 10) upon tightening of a nut (2) onto a threaded member, said

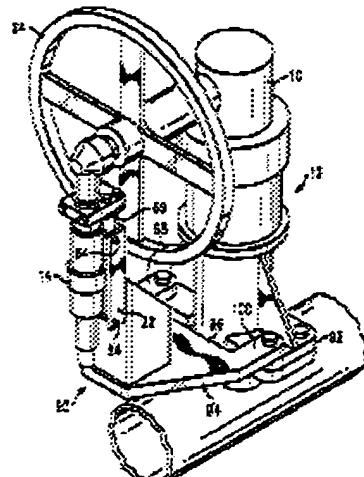
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jig comprising, a jig body (16) including an adaptor portion that is adapted to be secured to the drive member in a non-rotatable fashion, e.g., (15), an alignment member (11) extending from the jig body, said alignment member being adapted to slidably receive a portion of said support member, e.g., bolt and nut of the workpiece; and a barrier member (21, 26) secured to said jig body and serving to engage the support member should said alignment member be out of alignment with said support member, engagement between said barrier member and said support member preventing further tightening of the nut onto the threaded member. Note that the narrative language (last three lines) does not further limit the article being claimed, i.e., the barrier members (21, 26) would engage the workpiece when misaligned and aligned.

Regarding claim 2, Harrington meets the limitations, i.e., support member being a wheel, nut being an spindle nut and the threaded member being an axel (claims lacks structures to define otherwise) also note the objection made above.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (6,244,138).

Campbell discloses all of the limitations of claims, 1 and 5,  
i.e., A torque reaction control jig that is adapted to transfer  
reaction torque from a drive member (14) to a support member  
(12) upon tightening of a nut (28) onto a threaded member (28),  
said jig comprising, a jig body including an adaptor portion (22,  
78) that is adapted to be secured to the drive member in a non-  
rotatable fashion, an alignment member (94) extending from the  
jig body, said alignment member compassing a pair of stud nests (102) to slidably receive a  
portion of said support member, e.g., studs 92 supporting the wheel 24, wheel studs; and a



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barrier member (104, or 96) secured to said jig body and serving to engage the support member/"wheel studs" should said alignment member be out of alignment with said support member, engagement between said barrier member and said support member preventing further tightening of the nut onto the threaded member. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Wheel, wheel studs as indicated above are considered met.

Note that the narrative language and limitations given workpiece do further limit the article being claimed, since the article is capable of being applied to different workpieces, including a wheel.

Campbell as applied above meets all the limitations of claims 2-4.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as obvious over Campbell.

Campbell as indicated above in section 6, meets all of the limitations of claims 6 and 7, including the barrier, 96 and 104, being disposed between the stud nests, except for disclosing beveled annular surfaces for the nests (102). Chamfering or beveling annular surfaces, e.g., to eliminate burrs or sharp points for safety would be well within the knowledge of one of ordinary skill in the art.

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***Allowable Subject Matter***

8. Claim 8 is allowed.
9. The following is a statement of reasons for the indication of allowable subject matter:  
although the tool of prior art is applicable to the article claims as recited and may be applicable to wheel axels (properly recited) with minor modification with regards to location of parts (bending the legs 100) depending on the workpiece parameters, applying it to the method for tightening a spindle nut as recited is considered by the Examiner as hindsight.

***Conclusion***

10. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Shirley, Trivedi, Collins, and Perkins are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
July 12, 2005